



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/787,718	01/24/97	BRIESCH	T29649

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WESTINGHOUSE ELECTRIC CORPORATION
LAW DEPARTMENT
INTELLECTUAL PROPERTY SECTION
11 STANWIX STREET
PITTSBURGH PA 15222-1384

EXAMINER

CASAREGOLA, L

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 04/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

787,718

Applicant(s)

Brinsley et al

Examiner

Carragola

Group Art Unit

3403

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-23 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-23 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Species Election


This application contains claims specific to more than one species of a generic invention, as for example, the species of Figures 1-4, respectively. Pursuant to 35 USC § 121, applicants are required for a complete response to (1) elect a single disclosed species and (2) list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)).

Claim 1 appears to be generic.

Applicants are further advised that a mere argument alleging that a generic claim is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above.

Claim Rejections - 35 USC § 112

Claims 3-20 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.



Claim 2 describes a fuel line section as being in heat transfer relationship with combustion gas "exhausted from said turbine"; this exhaust gas is necessarily downstream of the turbine. Claim 3, which depends on claim 2, also states that the fuel line section is in heat transfer relationship with combustion gas "downstream of said turbine". Claim 3 thus appears to be effectively redundant with claim 2. It is unclear what further limiting effect applicants intend to achieve by the inclusion of claim 3.

Claim 10 additionally recites that the heated fuel line section is in a bypass channel, a feature exclusive to the species in Figures 2 and 4. Claim 10's chain of dependency however includes claim 5, which states that the heated fuel line section is in a turbine exhaust stack. This feature is found in the species of Figure 1 but not in the species of Figures 2 and 4. Claim 10 is thus in conflict with parent claim 5 since these claims recite features that are mutually exclusive to different species.

The remaining claims listed in the § 112 rejection but not otherwise discussed are included because their respective parent claims contain one or more of the above described errors.

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Claim Rejections - 35 USC § 102

Claims 1, 2, and 21 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Pfenninger.

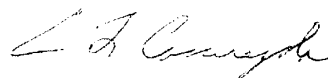
Claims 1, 2, 21, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Arenson.

Attention is called to Figure 1 of Arenson; note fuel line section 25 heated by turbine exhaust 22 before transfer to the turbine combustor system via lines 74 and 81. With regard to claim 22, note also that the heated fuel is mixed with the unheated fuel from bypass 46.

Additional References

Williams et al and Bahr are cited as disclosing further examples of gas turbine fuel line heaters.

L. J. Casaregola
703-308-1027
703-305-3463 FAX
March 31, 1998


**LOUIS J. CASAREGOLA
PRIMARY EXAMINER
ART UNIT 343**